REMARKS

Claims 1-24 and 40-47 are pending.

Applicant would like to thank the Examiner for her consideration during the telephone interview of January 6, 2010. During that interview, applicant's representative clarified the extent of applicant's admission as to the prior art. Based on that clarification, the Examiner indicated that the rejection based on the admission was improper.

The Examiner has rejected claims 1-24 and 40-47 under 35 U.S.C. § 103(a) as being unpatentable over the Admission and Orr. Applicant respectfully traverses these rejections.

The Examiner takes the position that applicant has admitted that paragraphs 0020-22 of the specification is prior art. (Office Action, Sept. 15, 2009, p.16.) Applicant disagrees. In determining the scope of an admission, "[i]t is necessary to consider everything appellants have said about what is prior art to determine the exact scope of their admission." (In re Nomiya, 184 U.S.P.Q. 607, 612 (C.C.P.A. 1975.))

The only thing that applicant has admitted is prior art is Figure 1, which is reproduced below.

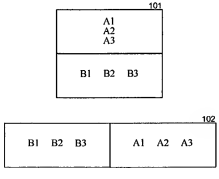

FIG. 1

In paragraph 0006, applicant explains that Figure 1 illustrates the rendering of "Display Description 1." Table 101 represents the table when it is docked to the left, and Table 102 represents the table when it is docked to the bottom.

In paragraphs 0020-23, applicant describes "Display Description 2," which when rendered looks exactly like the rendering of "Display Description 1." Applicant has not, however, admitted that "Display Description 2" is itself prior art – rather applicant has only admitted that the layout of Tables 101 and 102 of Figure 1 was in the prior art

An analogy can help explain the distinction between admitting that a certain result is in the prior art, and admitting that a certain method of achieving that result is in the prior art.

When a user submits a query to a search engine, the search engine will perform some search algorithm that may identify and present web pages A, B, and C. However, that search may take 5 seconds to complete. A competitor may develop a new and improved search algorithm that identifies and presents the exact same web pages, but with a search that takes only 2 seconds. Although the identification and presentation of web pages A, B, and C is in the prior art as may be admitted by the competitor, a statement by the competitor that the improved search algorithm provides the exact same result does not in any way imply the new improved search algorithm itself is in the prior art.

Since the extent of applicant's admission only encompasses Figure 1, applicant respectfully submits, and the Examiner now recognizes, that these rejections based on the admission are improper.

Based upon the above remarks, applicant respectfully requests reconsideration of this application and its early allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-8548.

Please charge any deficiencies or credit any overpayment to our Deposit Account No. 50-0665, under Order No. 418268006US from which the undersigned is authorized to draw.

Dated: 1-7-2010

Respectfully submitted,

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